

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lawrence Pinckney,)	Civil Action No. 6:14-4274-MGL
)	
	Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
Joseph McFadden,)	
)	
	Respondent.)	
_____)	

Petitioner Lawrence Pinckney, (“Petitioner”), a self-represented state prisoner, filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for review of post-trial petitions for relief and a Report and Recommendation (“Report”).

On March 11, 2015, the Magistrate Judge issued a Report, (ECF No. 36), recommending that Petitioner’s Motion for Default Judgment as to Defendant Joseph McFadden, (ECF No. 30), be denied. Petitioner filed an Objection to the Report on April 3, 2015. (ECF No. 43). The matter is now ripe for review.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de*

novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the Report and the Petitioner’s Objection. The Court has undertaken this *de novo* review, even though nowhere in Petitioner’s 26-page “Objection” does he meaningfully address the core grounds cited by the Magistrate Judge for denial of his Motion for Default Judgment (i.e. that default judgment is generally not available in habeas actions). Moreover, as the Magistrate Judge clearly sets out in the Report, Respondent appropriately sought and obtained two extensions from the Court prior to timely filing a Motion for Summary Judgment and Return. See ECF No. 36 at p. 2.

For the forgoing reasons, the Court concurs with the analysis of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 36), overruling Petitioner’s Objections. Petitioner’s Motion for Default Judgment, (ECF No. 30), is therefore **DENIED**.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

April 14, 2015
Columbia, South Carolina